Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

LIMITED OFFICIAL USE

PAGE 01 BONN 15696 301720Z

43
ACTION EUR-25

INFO OCT-01 NEA-10 ISO-00 SS-20 NSC-10 PM-07 CIAE-00

INR-10 NSAE-00 RSC-01 L-03 H-03 PRS-01 DODE-00 DRC-01

DEAE-00 /092 W
---------- 116233
R 301614Z OCT 73
FM AMEMBASSY BONN
TO SECSTATE WASHDC 8398
INFO AMEMBASSY NEW DELHI
AMEMBASSY LONDON
AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMCONSUL MADRAS

LIMITED OFFICIAL USE BONN 15696

E.O. 11652: N/A
TAGS: PINT, SOCI, IN, GW
SUBJECT: COURT-MARTIAL OF US SIKH CONVERTS IN WEST GERMANY

1. USAREUR HAS GIVEN US THE FOLLOWING UNOFFICIAL RUNDOWN ON THE BROADWELL-FRESCO MATTER WHICH ADDRESSEES MAY FIND USEFUL UNTIL DOD PROVIDES MORE DETAILS. BECAUSE IT IS UNOFFICIAL AND ITS USE HAS NOT BEEN CLEARED BY DOD, THE INFORMATION IS FOR BACK-GROUND PURPOSES ONLY.

2. PRIOR TO THEIR COURT-MARTIAL FRESCO COMMITTED ONE MINOR OFFENSE (POSSESSION OF HASHISH) FOR WHICH HE RECEIVED NON-JUDICIAL PUNISHMENT UNDER THE PROVISIONS OF ARTICLE 15 OF THE UCMJ. BROADWELL COMMITTED THREE PRIOR ARTICLE 15 OFFENSES, GENERAL MISCONDUCT. ON THE WEEKEND OF SEPT 73, THEY WENT TO LONDON ON A 3-DAY PASS, RETURNING AS CLAIMED CONVERTS TO SIKHISM. ON SEPT. 4, 1973,THEY REFUSED ORDERS FROM THEIR COMMANDING OFFICER TO REMOVE THE TURBANS AND SHAVE. THAT AFTERNOON THEIR UNIT WAS SCHEDULED FOR A FIELD EXERCISE. BOTH MEN WERE ASSIGNED TO A TRACKED VEHICLE AND BOTH DISOBEYED THE ORDER OF THEIR PLATOON
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 15696 301720Z

SERGEANT TO WEAR HELMETS. AT NO TIME PRIOR TO SEPT. 4, 1973

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

DID EITHER MAN INQUIRE ABOUT OR REQUEST THROUGH THE APPROPRIATE MILITARY AUTHORITIES AN EXCEPTION TO THE POLICY BASED UPON RELIGIOUS BELIEFS.

3. A SPECIAL COURT-MARTIAL ON 27 OF OCT 73 FOUND THEM GUILTY OF VIOLATING ARTICLES 90 AND 91 OF THE UCMJ. A KEY ISSUE IN THE TRIAL RELATING TO THE 1ST AMENDMENT WAS WHETHER RELIGIOUS SCRUPLES ARE A DEFENSE FOR DISOBEYANCE OF VALID MILITARY ORDERS. IT WAS HELD NOT TO BE A DEFENSE. THERE WAS ALSO CONFLICTING EVIDENCE CONCERNING THEIR SINCERITY OF BELIEF.

4. ON 27 OCT 73, EACH INDIVIDUAL RECEIVED A SENTENCE OF 3 MONTHS CHL AND FORFEITURE OF SOME PAY FOR 3 MONTHS. THE COURT RECOMMENDED THAT IF THEY DID NOT COMPLY IN THE FUTURE WITH US ARMY DRESS REGULATIONS, THEY SHOULD BE GIVEN UNDESIRABLE DISCHARGES. AT PRESENT THE COURTS-MARTIAL CONVENING AUTHORITY HAS DEFERRED THE CONFINEMENT PORTION OF THE SENTENCE PENDING CONSIDERATION OF ADMINISTRATIVE ACTION.
HILLENBRAND

LIMITED OFFICIAL USE

NNN

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DRUG TRAFFIC, COURTS MARTIAL, MILITARY LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 30 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BONN15696
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973105/aaaaadir.tel
Line Count: 80
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 08 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08-Aug-2001 by izenbei0>; APPROVED <21-Sep-2001 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COURT-MARTIAL OF US SIKH CONVERTS IN WEST GERMANY
TAGS: PINT, SOCI, IN, GE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005